

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

THOMAS GERIAK,

Plaintiff,

-vs-

ARNCO,

Defendant.

CASE NO. 1:10 CV 02856

ORDER ADOPTING THE
MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION

UNITED STATES DISTRICT JUDGE LESLEY WELLS

On 17 December 2010, the defendant removed this case from Cuyahoga County Common Pleas Court. On 12 January 2011, the plaintiff filed a motion to remand. The plaintiff sought costs and attorney's fees, pursuant to 28 U.S.C. § 1447(c). The plaintiff also requested an evidentiary hearing. (Doc. 4). The defendant filed an opposition, and the plaintiff replied. (Doc. 5; Doc. 6). On 1 February 2011, the Court referred the plaintiff's motion to United States Magistrate Judge Nancy Vecchiarelli for report and recommendation, pursuant to 28 U.S.C. § 636(b). (Doc. 7).

On 3 March 2011, Magistrate Judge Vecchiarelli recommended granting the plaintiff's motion to remand, denying the motion for costs and fees, and denying the request for an evidentiary hearing. (Doc. 8). The parties were given 14 days to file objections. The magistrate judge advised that "[f]ailure to file objections within the specified time waives the right to appeal the District Court's order." (Doc. 14 at 2); See

United States v. Walters, 638 F.2d 947 (6th Cir. 1981). No objections were filed.

The Court has reviewed Magistrate Judge Vecchiarelli's report and recommendation. Having found no error, the Court adopts it. Accordingly, plaintiff's motion to remand is granted; plaintiff's motion for costs and attorney's fees is denied; and plaintiff's motion for an evidentiary hearing is denied.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

Date: 22 April 2011